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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,603	07/25/2003	Takashi Honda	240901US2X	9735

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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MILLER, BRIAN E

ART UNIT PAPER NUMBER

2627

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,603	Applicant(s) HONDA ET AL.	
	Examiner Brian E. Miller	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) 1-7 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-11 are pending.

Election/Restrictions

1. Applicant's election with traverse of species (1), FIGs. 1-2, in the reply filed on 5/17/06 is acknowledged. The traversal is on the ground(s) that "The outstanding election requirement has not established that each of the claims could not be examined without undue burden". This is not found persuasive because each of the various disclosed species define mutually exclusive characteristic of a head suspension as evidenced by the representation of each species with a different set of figures. A search for one of these mutually exclusive characteristics is not coextensive with a search for other mutually exclusive characteristics and therefore searching for all mutually exclusive characteristics could not be done without serious burden to the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-7, 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 5/17/06.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

4. Claims 8-9, 11 are objected to because of the following informalities: (a) claim 8, line 8 reference to “a head” should be changed to “a slider” since a head as known in the art is positioned on the slider; (b) claim 8, line 16, the phrase “of bearing portion” should be changed to “the bearing portion” for readability; (c) claim 8, lines 17-19 the language “is adapted to be swingable...recording surface” appear to be redundant and should be omitted for clarity; claim 8, line 21 the phrase “of bearing portion” should be changed to “the bearing portion” for readability; (d) claim 8, last line the word “being” should be changed to “to provide” for example, for better readability; (e) claim 9, line 3, “said arm” should be changed to “said support arm” for clarity; (f) claim 11, line 3 reference to claims 5 & 6 should be omitted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-9, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) claim 8, line 14 the phrase “a projection bulging” is incomplete since having only one projection would not enable the invention to work properly, the claims should set forth two projections; (b) claim 8, line 12 the phrase “to said support arm” is confusing and is not readily apparent how this language adds to the claim. It is suggested to omit this language; claim 9, line 3, the language “said arm sets such a limited area around said projection with which” is misdescriptive and should be modified appropriately; (c) claim 9, last

line reference to “within elastic deformation range” lacks proper antecedent basis and further it is not readily apparent what this language encompasses; (d) claim 11 is of improper independent claim format, as it is not readily apparent whether every limitation of claim 8 is included. If an independent claim, all limitations of claim 8 must be expressly included. Further, if claim 11 is dependent from claim 8, it is noted that “a magnetic recording apparatus” is not a component of “a magnetic head supporting mechanism” and should be modified appropriately.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 8-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwajima et al (US 6,751,064). In so far as the claims are definite and understood, Kuwajima et al discloses a magnetic head supporting mechanism 9, as shown mainly in FIGs. 1 & 2, including: a support arm 2 swingable in a radial direction of a recording medium 12 and in a direction perpendicular to a recording surface of the recording medium with a bearing portion being a pivot; a head attached to a lower surface of said support arm at one end of said support arm;

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elastic means 4 provided on said support arm 2 for imparting a biasing force in the direction toward said recording medium; and a projection 11a, 11b bulging from said bearing portion adapted to be in point contact with a part of the support arm; wherein said support arm is adapted to be swingable in the direction perpendicular to the recording surface, with a point at which a bottom portion of said projection and said part of bearing portion are in contact with each other being a balanced fulcrum (see col. 9, lines 10-25). The claims call for the projection to be bulging from the support arm to be in point contact with the bearing portion, which is exact opposite to the teachings of Kuwajima et al, however, both produce the same functional movement. It would have been considered obvious to one having ordinary skill in the art at the time the invention was made, to have provided the projection on the support arm in point contact with the bearing portion, in substitution of the opposite configuration. The motivation would have been: lacking any unobvious or unexpected results, providing the equivalent opposite configuration as set forth above, would have been readily apparent to a skilled artisan, through routine engineering optimization and experimentation, as an obvious reversal of parts. (See *In re Einstein*, 8 USPQ 167 (CCPA 1931), for example, regarding these situations).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US Patents to Kuwajima et al (6,826,018), Wada et al (6,950,285) and Ueno et al (6,992,863) which are all cited to include similar structure for a head arm assembly.

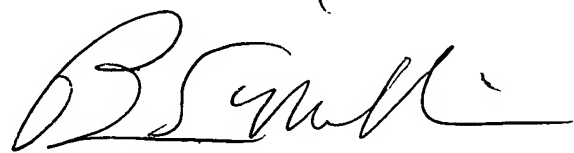
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'B E Miller', with a long horizontal line extending to the right.

Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
July 27, 2006